

Application No. 09/869,884
Response to 04/22/2005 Action

Attorney's Docket No. 0119-067

REMARKS

Claims 1, 2, and 4-11 are pending. Claim 3 has been canceled, and claims 1 and 4-9 have been amended. It will be noted that the amendment of claim 8 is necessary due to the cancellation of claim 3.

In the Office Action, claims 3 and 5 were rejected under 35 U.S.C. § 112, first paragraph, for lack of a written description of the claimed subject matter in the application. These rejections should be reconsidered and withdrawn because even a cursory reading of the application as filed reveals sufficient written description of the claimed subject matter.

The recitations in claims 3 and 5 that the Action found objectionable relate to the use of the directional antenna or receiver, in particular that "the directional antenna or receiver is not used for broadcasting the service notification messages". These recitations have been incorporated into claims 1 and 4 by this Amendment and are described in the application as filed, which recites that the control unit 2 comprises a transceiver 6 that is coupled to a broadcast antenna 7 (see, e.g., p. 4, ll. 4-6) and further comprises a directional antenna 8 (see, e.g., p. 4, ll. 11-12). The application as filed also states that "In use, the control unit 2 is arranged to broadcast at regular intervals a Service Notification message . . . using the broadcast antenna 7." (p. 4, ll. 33-34). The application as filed further states that "The central processing unit 3 of the . . . control unit 2 then switches the output and input of the transceiver 6 from the broadcast antenna 7 to the directional antenna 8." (p. 5, ll. 5-6). The control unit 2 may then receive identification messages from mobile terminals using the directional antenna 8 (see, e.g., p. 5, ll. 8-10). At least these portions of the application reasonably convey to the artisan that the inventor possessed the subject matters defined by claims 3 and 5 (and now claims 1 and 4) at the time this application was filed.

In addition, the artisan would have understood that Service Notification messages need be broadcast only from the antenna 7 because the "footprint" of the antenna 7 is larger than the "footprint" of the directional antenna 8 (see Figure 2), and it is the larger footprint that best serves the notification purpose of the messages, although the larger footprint causes a problem recognized by the inventor (see p. 1, l. 32 et seq.). Moreover, the artisan would also have understood that there would be no reason to broadcast Service Notification messages from both antennas 7 and 8

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because the "footprint" of the directional antenna 8 is just a restricted sector of the "footprint" of the broadcast antenna 7 (see, e.g., p. 4, ll. 14-20; Figure 2), which would render such broadcasts redundant and potentially interfering.

Claims 7 and 9 were also rejected under 35 U.S.C. § 112, first paragraph, for lack of a written description of the claimed subject matter in the application. The recitations in claims 7 and 9 that the Action found objectionable relate to "each of a plurality of local services has a respective localised region that is a respective sub region of the region into which service notification messages are broadcast from the plurality of local services". It is believed these rejections have been obviated by this Amendment, which has clarified the subject matter of these claims. As recited in the application as filed at p. 1, l. 32 et seq., for example, several local systems may be in proximity.

The withdrawal of the rejections of claims 1-6 for anticipation by International Publication No. WO 97/45814 by Vazvan ("Vazvan") is acknowledged. Claims 1, 2, and 4-11 now stand rejected under 35 U.S.C. § 103(a) for obviousness over a combination of Vazvan and U.S. Patent No. 6,186,396 to Crandall, Jr. ("Crandall"). It is respectfully submitted that the combination fails to support a *prima facie* case of obviousness at least because the combination does not teach a combination of service notification messages broadcast into one region and an identification process localised to a sub region of the broadcast region.

As pointed out previously and as admitted in the Action, Vazvan does not teach a directional antenna or receiver, and so Vazvan cannot teach switching from broadcasting service notification messages to conducting the identification process localised to a sub region of the broadcast region. These deficiencies are not remedied by Crandall, which, like Vazvan, does not teach localisation of identification in a sub region of a larger broadcast region.

Crandall discloses an array of infrared emitters (see col. 6, l. 61 et seq.) that can emit light having a beam width of 360°, which of course is not localised. Crandall uses such an array to guide sight-impaired individuals to a device such as an ATM (see col. 2, l. 64 et seq.). Once an individual is guided to the ATM, the individual operates the ATM in a more-or-less conventional way, having had "the location of the respective customer interacting means on the machine" identified to the individual (see col. 3,

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II. 18-32). Thus, it should be clear that Crandall says nothing about announcing the availability of a service in an area larger than the area in which the service can be engaged and nothing about localising the area in which the service can be engaged as defined by claim 1, for example.

Vazvan's and Crandall's failure to teach the features noted above also makes it not surprising that they fail to teach other features required by Applicant's claims, for example, switching from broadcasting service notification messages to conducting the localised identification process, as defined by claims 8, 10, and 11.

Because the combination of Vazvan and Crandall fails to disclose every feature of the claims for at least the above reasons, the combination fails to support a *prima facie* case of obviousness. Accordingly, the obviousness rejections should be reconsidered and withdrawn.

It is also believed that the cited documents would not have supplied any motivation to combine them as suggested by the Action and that there would have been no reasonable expectation that such complex documents could be successfully combined to yield a working system, which even then would have had to be further modified to obtain the claimed subject matter. In view of the significant differences between the subject matters claimed and the cited combination, it is unnecessary to discuss in detail these other requirements of a *prima facie* case of obviousness.

This application is believed to be in condition for allowance. An early Notice of same is respectfully solicited. If the Examiner has any questions, the undersigned attorney may be telephoned at the number given below.

Respectfully submitted,



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